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PUC DOCKET NO. 51979

PETITION BY SIG MAGNOLIA LP	§	BEFORE THE
FOR EXPEDITED RELEASE	§	
FROM WATER CCN NO. 11052	§	PUBLIC UTILITY COMMISSION
HELD BY DOBBIN PLANTERSVILLE	§	
WATER SUPPLY CORPORATION	§	OF TEXAS

**SIG MAGNOLIA LP’S MOTION TO MAKE DETERMINATION ON
COMPENSATION AND ISSUE NOTICE OF APPROVAL**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, SIG Magnolia, LP (“SIG Magnolia”) and files this, its Motion to Make Determination on Compensation and Issue Notice of Approval.

On January 31, 2022, the Public Utility Commission of Texas (Commission) issued an Order approving SIG Magnolia’s petition for expedited decertification thereby releasing SIG Magolia’s property from Dobbin Plantersville Water Supply Corporation’s (Dobbin Plantersville) certificate of convenience and necessity number 11052. On February 25, 2022, Dobbin Plantersville filed a Motion for Rehearing. On March 2, 2022, the Office of Policy and Docket Management filed a memo stating that “No Commissioner votes to add the Motion for Rehearing to an open meeting agenda,” which the administrative Law Judge acknowledged in Order No. 11 on April 8, 2022. The Commission’s Order commenced the proceeding to determine the amount of compensation to be awarded to Dobbin Plantersville, and Order No. 11 clarified the procedural scheduled.

On February 2, 2022, Dobbin Plantersville filed its Notice of Non-Agreement on Appraiser and Objection to Compensation Phase and Motion to Abate. In its motion, Dobbin Plantersville informed that Commission that it will not participate in the compensation phase of the proceeding.

On April 11, 2022, as required by Order No. 11, SIG Magnolia filed its Appraiser's Report. Dobbin Plantersville did not file an appraiser's report.

Under PUC rule 16 Texas Administrative Code (TAC) § 24.245(i)(4), “[i]f the former CCN holder fails to engage an appraiser or file an appraisal within the timeframes required by [subsection (i) of Section 24.245], the amount of the compensation to be paid will be deemed to be zero.” Because Dobbin Plantersville failed to submit an appraisal within the timeframe provided by state law and the PUC's rules, the Commission should deem the amount of compensation owed to Dobbin Plantersville by SIG Magnolia to be zero, pursuant to 16 TAC § 24.245(i)(4).

SIG Magnolia respectfully requests that the Commission deem the amount of compensation owed to Dobbin Plantersville by SIG Magnolia to be zero and issue a Notice of Approval Making a Determination on Compensation. A form Notice of Approval is attached hereto as Exhibit 1.

Respectfully submitted,

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BY: Emily W. Rogers
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CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record via email on April 25, 2022, in accordance with the requirements of 16 Tex. Admin. Code § 22.74 and PUC Order No. 2 in Docket No. 50664.

Emily W. Rogers
Emily W. Rogers

Exhibit 1

PUC DOCKET NO. 51979

PETITION BY SIG MAGNOLIA LP § BEFORE THE
FOR EXPEDITED RELEASE §
FROM WATER CCN NO. 11052 § PUBLIC UTILITY COMMISSION
HELD BY DOBBIN PLANTERSVILLE §
WATER SUPPLY CORPORATION § OF TEXAS

NOTICE OF APPROVAL
MAKING A DETERMINATION ON COMPENSATION

In this Notice of Approval, the Commission determines that, for the streamlined expedited release granted in this docket, SIG Magnolia, LP (SIG Magnolia) owes no compensation to Dobbin Plantersville Water Supply Corporation (Dobbin Plantersville) under Texas Water Code (TWC) § 13.2541. The Commission granted SIG Magnolia’s petition for streamlined expedited release and removed SIG Magnolia’s land from Dobbin Plantersville’s service area under water certificate of convenience and necessity (CCN) number 11052. The Commission’s determination on compensation is based on the fact that Dobbin Plantersville failed to file an appraiser’s report.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioner

1. SIG Magnolia is a Texas limited partnership registered with the Texas secretary of state under filing number 803257719.

CCN Holder

2. Dobbin Plantersville Water Supply Corporation is a Texas non-profit corporation registered with the Texas secretary of state under filing number 37131501.
3. Dobbin Plantersville holds water CCN number 11052 that obligates it to provide retail water service in its certificated service area in Montgomery and Grimes Counties.

Petition

4. On April 5, 2021, the petitioner filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 11052.
5. In an Order filed on January 31, 2022, the Commission granted the petition and released the petitioner's land from the CCN holder's certificated service area.
6. On February 25, 2022, the CCN holder filed a motion for rehearing.
7. On March 2, 2022, the Office of Policy and Docket Management filed a memo stating that "No Commissioner votes to add the Motion for Rehearing to an open meeting agenda."
8. On April 8, 2022, the Commission issued Order No. 11, which acknowledged that no Commissioner voted to add the Motion for Rehearing to an agenda and clarified the schedule for the proceeding to determine compensation.

Appraisers and Appraisals

9. The petitioner and the CCN holder did not agree on the compensation to be paid to the CCN holder for the streamlined expedited release.
10. The petitioner and the CCN holder did not agree to an independent appraiser.
11. On February 2, 2022, the CCN holder filed a notice of non-agreement on appraiser and objection to compensation phase and motion to abate whereby the CCN holder informed the Commission that it would not participate in the compensation phase of the proceeding.
12. The petitioner filed an appraiser's report on April 11, 2022, which is within 70 days after Commission granted the release.
13. The CCN holder did not file an appraiser's report within 70 days after the Commission granted the release.

Compensation

14. Because the CCN holder did not file an appraiser's report within 70 days after the Commission granted the release, no compensation is owed for the release.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority to determine the amount of compensation to be awarded after granting streamlined expedited release petitions under TWC §§ 13.254 and 13.2541.
2. No notice is required to determine the amount of compensation.
3. No opportunity for a hearing to determine compensation for streamlined expedited release is provided under TWC § 13.2541 or 16 Texas Administrative Code (TAC) § 24.245(h)(7).
4. The determination of compensation under TWC § 13.2541 and 16 TAC § 24.245(i) is not a contested case.
5. Under 16 TAC § 24.245(i)(2)(B), if the petitioner and CCN holder cannot agree on the amount of compensation and cannot agree on an independent appraiser, they must each file their own appraiser's report within 70 days after the Commission grants the streamlined expedited release petition.
6. Under 16 TAC § 24.245(i)(4), if the CCN holder fails to file an appraisal report within 70 days after the Commission granted the streamlined expedited release petition, the amount of compensation due to the CCN holder is deemed to be zero.
7. No compensation is owed by the petitioner to the CCN holder for the release under TWC § 13.2541.
8. The Commission processed the petition in accordance with the TWC and Commission rules.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. No compensation is owned by the petitioner to the CCN holder for the streamlined expedited release.
2. The Commission denies all other motions and any other requests for general or specific reliefs that have not been expressly granted.

Signed at Austin, Texas on _____ day of _____, 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE